

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

08 AUG 13 AM 10:10

UNITED STATES OF AMERICA,

Plaintiff,

v.

Jose Luis MURILLO-Perez
(AKA): David CHAVEZ-Carrasco

Defendant.

Magistrate Case No.

'08 MJ 2506

COMPLAINT FOR VIOLATION OF:

Title 8, U.S.C., Section 1326;

Deported Alien Found in the
United States

CLERK U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

DEPUTY

The undersigned complainant, being duly sworn, states:

On or about, **January 12, 2008**, within the Southern District of California, defendant, **Jose Luis MURILLO-Perez, (AKA): David CHAVEZ-Carrasco**, an alien, who previously had been excluded, deported and removed from the United States to Mexico, was found in the United States, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
Immigration Enforcement Agent
Immigration & Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **13th** DAY OF **August 2008**.

UNITED STATES MAGISTRATE JUDGE

DOA
8/12/08
MAA



PROBABLE CAUSE STATEMENT

On January 12, 2008, the defendant identified as **Jose Luis MURILLO-Perez, (AKA): David CHAVEZ-Carrasco**, was arrested in San Diego, California by the San Diego Sheriff's Department on an outstanding felony warrant for violation of Section 261.5(C) of the California Penal Code: "SEX W/MINOR: 3+YRS YOUNGER" and booked into San Diego County Jail. On January 12, 2008, an Agent with Immigration and Customs Enforcement (ICE) determined the defendant to be a citizen of Mexico and placed a Form I-247 "Immigration Detainer" pending his release from local custody.

On August 12, 2008, the defendant was referred from local custody to ICE custody. A Deportation Officer reviewed various sources of information and conducted official record checks in regards to the defendant confirming him to be a citizen of Mexico having been previously removed from the United States.

A thorough review of official immigration computer database record checks and information contained in the Alien Registration file revealed that the defendant was most recently ordered removed from the United States by an Immigration Judge on or about October 21, 1994 and physically removed to Mexico on or about October 21, 1994 via the San Ysidro Port of Entry. Record checks further indicate that the defendant has not applied to the Attorney General of the United States or the Secretary of the Department of Homeland Security for permission to re-enter the United States.

The Automated Biometric Fingerprint Identification System "IDENT" and Automated Fingerprint identification System "IAFIS" were utilized and compared the defendant's fingerprints to those contained in these databases. The results confirmed the defendant's identity as Jose Luis MURILLO-Perez, a citizen and national of Mexico.